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Patent Application
Attorney Docket No.PC10805B

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By _____

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(Signature of person mailing)

Kelly A. Smith

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: William J. Curatolo, et al. :

APPLICATION NO.: 10/688,142 : Examiner: Peselev, Eli

FILING DATE: October 17, 2003 : Group Art Unit: 1623

TITLE: METHOD OF INCREASING THE
BIOAVAILABILITY AND TISSUE
PENETRATION OF AZITHROMYCIN

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated June 12, 2006 of the Primary Examiner finally rejecting claims 1-12, 18-28, 34-43, 49-52, 57-60, 65-68 and 73-75.

Appeal Fee \$500.00:

- Not required (fee paid in prior appeal in the application).
- Charge to Deposit Account No. 16-1445.
- The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 16-1445.

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The final Office Action was issued on June 12, 2006 and a request for a two-month extension of time was filed on October 18, 2006. Therefore, the Notice of Appeal is due prior to November 12, 2006. Accordingly, the present Notice of Appeal is being timely filed.

Date: October 19, 2006



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